

A member of the pea family (Fabaceae), *L. grimesii* is a prostrate perennial herb. The distribution and habitat of the species are limited. It is an endemic species, known only from the central portion of the Independence Mountains of Elko County, Nevada. *Lathyrus grimesii* is generally restricted to steep, barren slopes with stony-clay talus substrates at high (7,000 to 8,000 foot) elevations. The species was originally collected in vegetative condition in 1941, but was not recognized as a previously undescribed species until it was collected in reproductive condition in 1980. The technical description of *Lathyrus grimesii* was published in 1989 (Cronquist *et al.* 1989).

At the time the petition was submitted, *L. grimesii* was known from a 1-square mile area in the Dorsey Creek drainage of the Independence Mountains. More recent information indicates that the species' distribution is more extensive. Aerial surveys conducted in August 1993 resulted in new findings north of the Dorsey Creek drainage, in the following drainages and tributaries: Deep Creek, Ott Creek, Sheep Creek, Frost Creek, and Cap Winn Creek; and in the Bull Run Mountains, located west of the Independence Mountains (John C. Parks, Independence Mining Company, Elko, Nevada, in litt.). *Lathyrus grimesii* is located on appropriate substrates scattered within an area of approximately 50 square miles to the north and northwest of the Dorsey Creek drainage, and several isolated populations are located outside of this area.

The petition and accompanying documentation state that the species is subject to impacts by proposed mineral exploration and potential open pit heap leach gold mine development. Mine exploration roads have been constructed through existing populations. With plants occurring on steep, barren slopes at high elevations, disturbance due to further mining exploration and potential development could produce long term destabilization and erosion of slope habitat which would reduce or eliminate populations of *L. grimesii*. The toxic effects of open pit heap leach gold mine development also have the potential to further reduce populations.

Lathyrus grimesii is not currently protected by any regulatory mechanism, as it is not included on the U.S. Forest Service "Sensitive" or State of Nevada "Critically Endangered" species lists. The available information suggests that the species' restricted range and small population size increase the chance of extirpation resulting from stochastic (i.e.

random) or localized events such as rock slides, erosion, disease, toxic effects of contaminant spills, or predation.

The Service has reviewed the petition and other information available in the Service's files. On the basis of the best scientific and commercial information available, the Service finds that substantial information has been presented indicating that listing of *Lathyrus grimesii* may be warranted. This species was included as a category 2 candidate for listing in the notice of review published in the **Federal Register** on September 30, 1993 (58 FR 51144). Although a status review of this species was initiated upon its inclusion in category 2, the Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. The Service requests any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of *L. grimesii*. Of particular interest is information regarding (1) The existence and status of additional populations, (2) environmental factors determining distribution, (3) pollinators, (4) toxic effects of cyanide on the species, and (5) genetic variability in known populations.

References Cited

- Cronquist, A., A.H. Holmgren, N.H. Holmgren, J.L. Reveal, and P.K. Holmgren. 1989. Intermountain Flora—Vascular Plants of the Intermountain West, U.S.A. Volume Three, Part B—Fabales by R.C. Barneby. New York Botanical Garden, Bronx, New York. 279 pp.

Author

This notice was prepared by Janet J. Bair, Nevada Field Office (see ADDRESSES section above).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: June 27, 1994.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 94-16644 Filed 7-8-94; 8:45 am]

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50 CFR Part 17 126-94

Endangered and Threatened Wildlife and Plants; 90-Day and 12-Month Findings for a Petition To List 83 Mollusc Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces 90-day and 12-month findings on a petition to list 83 mollusc species under the Endangered Species Act of 1973, as amended (Act). After careful assessment of the best scientific and commercial information available regarding the present and future threats facing the petitioned species, the Service either finds that the petition did not present substantial information indicating that the requested action may be warranted (90-day finding) or determines that the petitioned action is not warranted at this time (12-month finding).

DATES: The finding announced in this document was made on June 28, 1994. Comments and materials related to this petition finding may be submitted until further notice to the Assistant Regional Director for Ecological Services at the address listed below.

ADDRESSES: Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Assistant Regional Director for Ecological Services, U.S. Fish and Wildlife Service, Regional Office, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181. The petition, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jim Bartel, Chief, Division of Listing and Recovery, at the address above or 503/231-6131.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. The finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the Service finds that a petition presents substantial information indicating the requested action may be warranted, then the Service initiates a status review on that species. Section 4 (b)(3)(b) of the Act requires that for any petition that presents substantial scientific and

commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals to list, delist, or reclassify species. Such 12-month findings are to be published promptly in the Federal Register.

The Service has made a negative 90-day finding for 75 noncandidate species referenced in a petition to list 83 mollusc species as threatened or endangered. The Service has made a positive 90-day finding, but not warranted 12-month finding for the eight category 2 candidate species contained in the petition to list 83 mollusc species as threatened or endangered. The Service has been assessing the status of these eight species since their designation as category 2 candidates. Minimal new information was received or available to the Service beyond that used to assign these species to category 2. As a result, the Service determines that the petitioned action is not warranted at this time. These eight species will be retained in category 2. This notice also serves to announce a negative 90-day finding on a previous petition to list the giant Columbia River limpet (short-faced lanx) (*Fisherola nuttalli*) as threatened or endangered.

On August 18, 1993, the Service received a petition from the Oregon Natural Resources Council (ONRC) to list 83 mollusc species as threatened or endangered. The petition was dated August 16, 1993. The document used to support the petition was the report "Mollusc Species of Special Concern within the Range of the Northern Spotted Owl" (Frest and Johannes 1993) prepared for the President's Proposed Forest Plan. On November 6, 1987 the Service received a petition from Dr. Peter Bowler of Laguna Beach, California, to list the giant Columbia River limpet as endangered. The giant Columbia River limpet, or short-faced lanx, was one of the species included in the ONRC petition and was evaluated along with the other petitioned species.

The petition involves 36 land snails, 7 slugs, 37 freshwater snails, and 3 freshwater clams. The species are found primarily in the states of Washington, Oregon, California, and Idaho. Most of these species are associated with late-successional forests or riparian areas.

The Service's finding is based on information in the petition, references in the petition, Service files, and consultations with malacologists, Service, and other Federal and State personnel. All documents are on file in

the Service's Regional Office in Portland, Oregon.

Adequate rangewide surveys have not been completed for any of the species, except for the Trinity bristlesnail (*Monadenia setosa*) (a category 2 candidate). The Service also lacks evidence of specific threats throughout the ranges of any of the petitioned taxa, especially any threat associated with a population decline. Many of the species covered by this petition may be sensitive to ecological perturbations resulting from the impacts of human activities. However, information was not presented to show correlations between the species' ecological sensitivity and any declines in population numbers. The taxonomic distinctiveness or validity of many of the species has not been determined.

The Service encourages all interested parties to investigate the population status of and threats to all the species considered in this petition. The Service also encourages all interested parties to submit information that may provide additional specific information on the status of these species or specific threats to their survival.

The petition has been reviewed by staff at the Regional Office in Portland, Oregon. The Service finds that the listing of the eight category 2 candidates (Dalles sideband (*Monadenia fidelis minor*), rocky coast sideband (*Monadenia fidelis pronotis*), Trinity bristlesnail, Shasta sideband (*Monadenia troglodytes*), Karok hesperian (*Vespericola karokorum*), Columbia pebblesnail (*Fluminicola columbiana*), California floater (*Anodonta californiensis*), montane peaclam (*Pisidium ultramontanum*) is not warranted at this time. The Service finds that the petitioner has not presented substantial information indicating that listing of the remaining 75 species may be warranted (Hooded lancetooth (*Ancotrema voyanum*), Puget oregonian (*Cryptomastix devia*), Columbia oregonian (*Cryptomastix hendersoni*), mountain shoulderband (*Helminthoglypta arrosa monticola*), Oregon shoulderband (*Helminthoglypta hertleini*), intermediate shoulderband (*Helminthoglypta intercessa*), Klamath shoulderband (*Helminthoglypta talmadgei*), California megomphix (*Megomphix californicus*), Oregon megomphix (*Megomphix hemphilli*), *Monadenia callipeplus* (no common name), short-crested sideband (*Monadenia cristulata*), traveling sideband (*Monadenia fidelis celeuthia*), green sideband (*Monadenia fidelis flava*), *Monadenia fidelis klamathica* (no common name), tawny sideband (*Monadenia fidelis leonina*), yellow-

base sideband (*Monadenia fidelis ochromphalus*), Salmon River sideband (*Monadenia fidelis salmonensis*), Wheel sideband (*Monadenia rotifer*), Scott River sideband (*Monadenia scottiana*), Chace sideband (*Monadenia chaceana*), Klamath sideband (*Monadenia churchi*), Chelan mountainsnail (*Oreohelix* n. sp. 1), Crater Lake tightcoil (*Pristiloma arcticum crateris*), crowned tightcoil (*Pristiloma pilsbryi*), Hanna spot (*Punctum hanna*), Shasta chaparral (*Trilobopsis roperi*), Tehama chaparral (*Trilobopsis tehamana*), Hoko vertigo (*Vertigo* n. sp. 1), Dalles hesperian (*Vespericola depressa*), *Vespericola eritrichius* (no common name), large hesperian (*Vespericola euthales*), Marin hesperian (*Vespericola marinensis*), Pressley hesperian (*Vespericola pressleyi*), Shasta hesperian (*Vespericola shasta*), Sasquatch hesperian (*Vespericola* n. sp. 1), Reeves Bar hesperian (*Vespericola* n. sp. 2), Klamath hesperian (*Vespericola* n. sp. 3), Siskiyou hesperian (*Vespericola sierrana*), evening fieldslug (*Deroceras hesperium*), Burrington jumping-slug (*Hemphillia burringtoni*), warty jumping-slug (*Hemphillia glandulosa*), Malone jumping-slug (*Hemphillia malonei*), panther jumping-slug (*Hemphillia pantherina*), blue-grey tail-dropper (*Prophysaon coeruleum*), shortface lanx (*Fisherola nuttalli*), Klamath pebblesnail (*Fluminicola* n. sp. 1), tall pebblesnail (*Fluminicola* n. sp. 2), nerite pebblesnail (*Fluminicola* n. sp. 4), toothed pebblesnail (*Fluminicola* n. sp. 5), diminutive pebblesnail (*Fluminicola* n. sp. 6), topaz pebblesnail (*Fluminicola* n. sp. 7), Fall Creek pebblesnail (*Fluminicola* n. sp. 8), lunate pebblesnail (*Fluminicola* n. sp. 9), nugget pebblesnail (*Fluminicola seminalis*), Great Basin rams-horn (*Helisoma newberryi*), scalloped juga (*Juga acutifilosa*), topaz juga (*Juga occata*), Dalles juga (*Juga hemphilli dallesensis*), brown juga (*Juga* n. sp. 1), Chace juga (*Juga chacei*), juga n. sp. 1 (no common name), juga n. sp. 2 (no common name), juga n. sp. 3 (no common name), redwood juga (*Juga orickensis*), highcap lanx (*Lanx alta*), scale lanx (*Lanx klamathensis*), kneecap lanx (*Lanx patelloides*), rotund lanx (*Lanx subrotundata*), Columbia dusksnail (*Lyogyryus* n. sp. 1), Washington dusksnail (*Lyogyryus* n. sp. 2), canary dusksnail (*Lyogyryus* n. sp. 3), Klamath dusksnail (*Lyogyryus* n. sp. 4), nodose dusksnail (*Lyogyryus* n. sp. 5), rotund physa (*Physella* (*Physella*) *columbiana*), Archimedes pyrg (*Pyrgulopsis archimedis*), Crooked Creek springsnail (*Pyrgulopsis intermedia*), Klamath rams-horn (*Vorticifex*

klamathensis), *Sinitsin rams-horn* (*Vorticifex klamathensis sinitsini*), knobby rams-horn (*Vorticifex* n. sp. 1), nerite rams-horn (*Vorticifex neritoides*), and the Willamette floater (*Anodonta wahlametensis*). This finding is based on the scientific and commercial information contained in the petition, referenced in the petition, and otherwise available to the Service at this time. If information becomes available indicating that listing as endangered or threatened is appropriate, the Service would propose to list any such mollusc.

References Cited

Frest, T. and E. Johannes. 1993. Mollusc species of concern within the range of the northern spotted owl. Deixis Consultants. Seattle, WA. 98 pp. plus addendum.

Author

The primary author of this notice is Allan Pfister, Division of Listing and Recovery, U.S. Fish and Wildlife Service, Regional Office, 911 N.E. 11th Avenue, Portland, Oregon, 97232-4181; (503) 231-6131.

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 et seq.).

Dated: June 28, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-16650 Filed 7-8-94; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB75

Endangered and Threatened Wildlife and Plants; Notice of Six-Month Extension and Reopening of Public Comment Period on the Proposed Rule To List the Northern Copperbelly Water Snake (*Nerodia erythrogaster neglecta*) as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension and reopening of comment period on proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the deadline to determine whether the northern copperbelly water snake (*Nerodia erythrogaster neglecta*) is a threatened species is being extended to allow time for additional field surveys

and data analysis. This species now persists in isolated populations in southern Michigan and adjacent Indiana and Ohio, as well as southern Indiana, southeastern Illinois, and adjacent Kentucky. It occurs in lowland swamps and adjacent woodland and upland areas. During prior comment periods, new questions were raised by herpetologists and State conservation departments as to the merits of including intergrades in the listing and the sufficiency of information on the boundaries between intergrade and pure populations. The comment period on the proposal is reopened.

DATES: The new deadline for determining whether the northern copperbelly water snake is a threatened species is February 18, 1995. The comment period now closes November 1, 1994.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David Hudak, Supervisor, U.S. Fish and Wildlife Service, Ecological Services, Field Office, 620 S. Walker Street, Bloomington, Indiana 47403-2121 (phone 812/334-4261; fax 812/334-4273).

SUPPLEMENTARY INFORMATION:

Background

The northern copperbelly water snake was proposed for listing as a threatened species due to strong evidence that its range and numbers have declined dramatically, primarily as a result of the destruction of its habitat, and that the threats to the habitat and to the snakes are continuing.

The Federal Register notice proposing the northern copperbelly water snake for classification as a threatened species was published on August 18, 1993 (58 FR 43860). During the subsequent comment period, the Service received several letters from herpetologists and State conservation departments regarding intergradation between *N. e. neglecta* and *N. e. flavigaster* (yellow-bellied water snake). The latter subspecies occurs in southwestern Illinois and in the western portions of Kentucky and Tennessee, and also is widespread in the Gulf Coast States and the southern Atlantic Coast States.

Where the ranges of the two subspecies come into contact there are

numerous individuals having characteristics intermediate between the two subspecies. These individuals are referred to as intergrades. There are also localized populations which are largely composed of intergrades known as intergrade populations.

Some of the concerns that were expressed during the comment period dealt with two inter-related issues: (1) the merits of including intergrade populations and/or intergrade individuals in the listing and thus giving them protection as threatened, and (2) the insufficiency of currently available information on the locations of boundaries between intergrade populations and "pure" populations of *N. e. neglecta*. These concerns are particularly acute in southern Illinois where the Department of Conservation believes that additional surveys are critical to an adequate understanding of the status of *N. e. neglecta* and its relationship to *N. e. flavigaster*. Results from these surveys are expected to be placed on review at the Service Office listed in the ADDRESSES section, when they become available.

The Endangered Species Act allows an extension of the normal 1-year deadline for taking final actions on a proposal to list a species for up to 6 months when there is a "substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination." The Service believes that there is substantial disagreement regarding the status of *N. e. neglecta*.

In order to collect additional data on the extent and locations of intergrade populations, to resolve questions regarding the most appropriate taxonomic entity to protect under the Act, and to obtain current data on the status of *N. e. neglecta* in Illinois, the Service is extending the deadline for the listing determination until February 18, 1995.

The comment period on the proposed rule originally closed October 18, 1993. It was reopened March 22 and closed April 22, 1994. The Service is reopening the comment period until November 1, 1994. Written comments should be submitted to the Service office in the ADDRESSES section.

Author

The primary author of this notice is Ronald L. Refsnider, Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111-4056 (phone 612-725-3276; fax 612-725-3526).

Authority: The Authority for this action is: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544;